STATE OF ARIZONA FILED

## STATE OF ARIZONA

MAR 3 1 2005

2		DEPARTMENT OF INSURANCE
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DEPT	OF INSURANCE
BY_	

	<b>D</b> 1
In the Matter of:	)
	) No. 05A- <u>043</u> - INS
ERLING PAUL LIAN,	)
	) CONSENT ORDER
Respondent.	)
	)
	)

The State of Arizona Department of Insurance ("Department") has received evidence that Erling Paul Lian ("Respondent") violated provisions of Title 20, Arizona Revised Statutes. Respondent wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true and consents to entry of the following Conclusions of Law and Order.

## FINDINGS OF FACT

- Respondent is, and was at all material times licensed as a resident
   Life,Accident/Health and Variable Life/Variable Annuities insurance producer, Arizona license
   number 36138, which license expires May 31, 2005.
- 2. On or about May 24, 2004, the Arizona Attorney General's Office filed an Amended Direct Complaint against Respondent in Maricopa County Superior Court, Case No. CR2004-014477-001DT. The Complaint charged Respondent with Fraudulent Schemes and Artifices in Count 1, a Class 2 Felony; Theft, a Class 3 Felony in Counts 2 through 6; and Theft, a Class 6 Felony in Count 7.
- 3. On or about July 6, 2004, Respondent entered into a Plea Agreement/Change of Plea of guilty to amended Count 1, Attempted Fraudulent Schemes and Artifices, a Class 3 Felony, in case CR2004-014477-001DT. The Court accepted the Plea.

1	4. On August 10, 2004, the court entered an Order, in case CR2004-014477-	
2	001DT, finding Respondent guilty of amended Count 1, Attempted Fraudulent Schemes	and
3	Artifices, a Class 3 Felony. The Court ordered Respondent to serve 5 years of probation	1
4	beginning on August 3, 2004, perform 100 hours of community work service and to pay	
5	restitution in the amount of \$59,398.14, payable at \$200 per month, along with court fees	s and
6	costs.	
7		
8	CONCLUSIONS OF LAW	
9	1. The Director has jurisdiction over this matter.	
10	2. Respondent's conduct as described above constitutes having been convict	ted of
11	a felony within the meaning of A.R.S.§20-295(A)(6).	
12	3. Grounds exist for the Director to suspend, revoke, or refuse to renew	
13	Respondent's insurance license, impose a civil penalty and/or order restitution pursuant	to
14	A.R.S. §§20-295(A), 20-295(F) & 20-295(G).	
15		
16	ORDER	
17	IT IS HEREBY ORDERED THAT Respondent's license is revoked effective	<del>;</del>
18	immediately upon entry of this Order.	
19	DATED AND EFFECTIVE this 30th day of March, 2005.	
20		
21	CHIDISTINA LIDIAS	
22	CHRISTINA URIAS Director of Insurance	

- Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law and Order.
- Respondent admits the jurisdiction of the Director of Insurance, State of Arizona, and admits the foregoing Findings of Fact and consents to the entry of the foregoing
   Conclusions of Law and Order.
- 3. Respondent is aware of his right to notice and a hearing at which he may be represented by counsel, present evidence and examine witnesses. Respondent irrevocably waives his right to such notice and hearing and to any court appeals relating to this Consent Order.
- 4. Respondent states that no promise of any kind or nature whatsoever, except as expressly contained in this Consent Order, was made to him to induce him to enter into this Consent Order and that he has entered into this Consent Order voluntarily.
- 5. Respondent acknowledges that the acceptance of this Consent Order by the Director is solely to settle this matter against him and does not preclude any other agency, officer, or subdivision of this state from instituting civil or criminal proceedings as may be appropriate now or in the future.

3-27-05

Date

Erling Paul Lian License Number 36138

1	COPIES of the foregoing mailed/delivered this 31st_day of, 2005, to:		
2	tills <u>sist</u> day of <u>March</u> , 2005, to.		
3	Erling Paul Lian 7301 E. Rancho Vista Dr.		
4	Scottsdale, AZ 85251		
5	Erling Paul Lian P.O. Box 1000		
6	Carefree, AZ 85377		
7	Gerrie L. Marks, Deputy Director Catherine M. O'Neil, Consumer Legal Affairs Officer		
8	Steve Fromholtz, Licensing Supervisor Arnold Sniegowski, Investigations Supervisor		
9	Bob Hill, Investigator Department of Insurance		
10	2910 North 44 <sup>th</sup> Street, Suite 210 Phoenix, Arizona 85018		
11			
12 13	Curvey Walters Burton		
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